

Applicants : Scott Franson et al.  
 Serial No. : 09/854,997  
 Page : 11

# REMARKS

Applicants acknowledge the Examiner's review of the specification, claims, and drawings and gratefully acknowledge the Examiner's indication of allowable subject matter. In light of the above amendments and following remarks, Applicants respectfully request reconsideration of the present application. The amendments presented herein are fully supported by the application as filed. No new matter has been entered.

## STATUS OF THE CLAIMS:

Claims 1-3, 5-28, 30-34, 39, and 40 are pending in the application. Claims 29 and 35-38 have been previously cancelled. Claim 4 has been cancelled herein. Claims 7-11, 13-28, and 30-34 are allowed. Claims 4 and 5 have been indicated as being allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claims. Accordingly, Applicants have amended Claim 1 to incorporate the limitations of Claim 4 and amended Claim 5 to depend from Claim 1. Accordingly, Applicants respectfully submit that Claim 1 and its dependent claims, namely Claims 2, 5, 6, 12, 39, and 40 are now allowable.

## CLAIM REJECTIONS UNDER 35 U.S.C. § 102:

The Examiner rejects Claims 1-3 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,596,289 to Johnson '289.

Applicants respectfully traverse. Notwithstanding, Applicants have amended Claims 1 and 3 to more clearly define Applicants' invention. Claim 1 has been amended to incorporate the limitations of Claim 4 and, hence, is now allowable.

Applicants note the Examiner's statement in reference to the rejection of Claims 1 and 3 that Johnson discloses "the body extension is formed with an inwardly extending member 24 halting movement of the retaining member (which is identified by the Examiner as being represented by the numeral 50) when the sprinkler is activated". Applicants respectfully traverse. Member 50 is below member 24 and, moreover, does not make contact with nor is it stopped by member 24 at any time; hence member 50 is not halted by member 24. Moreover, once activated member 50 is expelled from the Johnson sprinkler. Therefore, Applicant respectfully submits that Johnson does not disclose or suggest any of these features. Furthermore, since member 50 is located below the deflector, it would not be

Applicants : Scott Franson et al.  
 Serial No. : 09/854,997  
 Page : 12

obvious to halt the movement of member 50, since this would render the Johnson sprinkler inoperable.

Claim 3 has been amended and now calls for:

A sprinkler head for a fire extinguishing system comprising:  
 a sprinkler body having an orifice, said orifice defining an inlet and an outlet;  
 a body extension attached to said sprinkler body and having an extending section extending below said outlet of said sprinkler body;  
 a retaining member positioned below said outlet and within said body extension, said retaining member mounted to be movable relative to said body extension and said sprinkler body;  
 a deflector movable between an activated position and a storage position within said body extension and having at least one support arm projecting therefrom, said retaining member coupled to said at least one support arm at a fixed distance from said deflector, said support arm movably disposed within said body extension, wherein said deflector and said retaining member are positioned within said body extension when in said storage position;  
 a sealing assembly configured to sealingly engage said outlet of said sprinkler body, said sealing assembly movable from a closed position wherein said sprinkler head is inactive to an open position wherein said sprinkler head is activated; and  
 a trigger assembly carried by said body extension and operably connected with said sealing assembly and said deflector, wherein said retaining member is captured and halted by said extending section of said body extension when said sprinkler head is activated and said deflector is deployed to its extended position.

Applicants respectfully urge that Johnson does not disclose or suggest the claimed combination. "A claim is anticipated if only each and every limitation as set forth in the claim is found, either expressly or inherently, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, the identical invention must be shown as in complete detail as contained

Applicants : Scott Franson et al.  
 Serial No. : 09/854,997  
 Page : 13

in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Applicants respectfully urge that Johnson do not disclose or suggest, for example, a retaining member positioned below the outlet of the sprinkler body. Nor does Johnson disclose or suggest a retaining member halted by the extending member when the sprinkler is actuated and the deflector is deployed to its extended position, as called for the claims.

Accordingly, Applicant respectfully submits that Claim 3 is patentably distinguishable over Johnson alone or in combination with any other reference of record.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103:

The Examiner rejects Claims 6, 12, 39, and 40 under 35 U.S.C. § 103(a) as being unpatentable over Johnson '289.

Claim 6 has been amended to depend from Claim 1, accordingly, Claim 6 is allowable along with Claims 12, 39 and 40, which ultimately depend from allowable Claim 1.

In light of the above amendments and remarks, Applicants respectfully reconsideration of the present application and a Notice of Allowance of all claims, namely Claims 1-3, 5-28, 30-34, 39, and 40. Should the Examiner have any questions or comments,

the Examiner is invited to contact the undersigned at (616) 975-5506.

Respectfully submitted,

SCOTT FRANSON ET AL.

By: Van Dyke, Gardner, Linn and Burkhardt, LLP

Date: December 12, 2003



Applicants : Scott Franson et al.  
Serial No. : 09/854,997  
Page : 14

Catherine S. Collins  
Registration No. 37 599  
2851 Charlevoix Drive, S.E.  
P.O. Box 888695  
Grand Rapids, MI 49588-8695  
(616) 975-5500

CSC:lmse:clw  
Enclosures